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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,529	03/29/2001	Peter Thomas Bosson	466-19	5427

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EXAMINER

LE, TAN

ARTICLE	PAPER NUMBER
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3632

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,529

Examiner

Tan Le

Applicant(s)

BOSSON, PETER THOMAS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6 and 19-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-15, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the first office action for application serial number 09/820,529, Display Device Support System, filed on 3/29/01. This application contains 20 claims numbered 1-15 and 17-21. Claim 16 has been canceled by the preliminary amendment filed on 1/14/02 and entered as paper # 8.
2. Applicants' election without transverse of the species of Figs. 1-9 in Paper No. 10 is acknowledged.
3. Currently claims 1-4, 7-15, 17-18 are readable on the elected invention and an examination follows below. Upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicants must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).
4. Claims 5-6 and 19-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected, there being no allowable generic or linking claim.

Priority

5. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

6. The disclosure is objected to because of the following informalities:

Page 4, line 11, tube "11" does not show on the drawings.

Page 4, line 24, "annular lip 27" does not show on the drawings.

Page 4, line 1, "12" should be corrected to --13--.

Appropriate correction is required.

Drawings

7. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the tube 11 (page 4, line 11); and "an annular lip 27" (page 4, line 24) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-4, 7-15 and 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 2 recites "for attaching it to a wall" renders claim indefinite because it's unclear as to how a mounting means as claimed is capable of mounting to a vertical surface of the wall.

Claim 9 recites the limitation "said attachment member" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the display device mounting means" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the end region" in line 3; and . There is insufficient antecedent basis for this limitation in the claim.

Claim 13 is also unclear and confusing as to whether which *one end* is not a constant internal diameter (see the phrase: the tube being of a constant internal diameter except at one end thereof, line 2) and which *end region* increases in diameter except *one end* thereof...(lines 3 and 4).

Claim Rejections - 35 USC § 102

Claims 1-4 and 7-15 and 17-18 are treated as if Applicant's intent to claim the support in combination with the display device, not the subcombination of the support per se. (Claims 4, 9 and 12 claim a support in combination with the display device)

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
Claims 1-4, 7-8 and 17-18 are rejected under 35 U.S.C. 102(b) as being

anticipated by US Patent No. 4,726,552 to Warshawsky.

Regarding claims 1-4, Warshawsky discloses a support device comprising a mounting means (Fig. 1) the mounting means including a quick release mechanism (60, 62); the support being an arm (90, 40, 50) having mounting means (94) at its end remote from the quick release mechanism wherein the mounting means includes a pivot joint which allows the arm to move from side to side in a horizontal plane, and the mounting means is a collar or sleeve which fits over and around a support post (94).

Regarding claims 7, 17 and 18, Warshawsky also discloses that the arm is in two parts (90, 50 or 90, 40) connected by a pivot joint (62, 64, 80) which allows each arm part to move from side to side in a horizontal plane.

Regarding claim 8, Warshawsky also discloses that the mounting means is connected to a universal joint (inside 94) provided at one end of the support.

Claims 1-4, 7-11 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,794,908 to East et al.

Regarding claims 1-4, East et al. discloses a support device comprising a mounting means (Fig. 3) the mounting means including a quick release mechanism (16, 18, 20); the support being an arm (12, 13) having mounting means (46) at its end remote from the quick release mechanism wherein the mounting means includes a pivot joint (46) which allows the arm to move from side to side in a horizontal plane, and the mounting means is a collar or sleeve which fits over and around the support post (48 generally)

Regarding claims 7 and 17 and 18, East et al. also discloses that the arm is in two parts (90, 50 or 90, 40) connected by a pivot joint (46) which allows each arm part to move from side to side in a horizontal plane.

Regarding claim 8, East et al. also discloses that the mounting means is connected to a universal joint (40) provided at one end of the support.

Regarding claim 9, East et al further discloses that the quick release mechanism comprises a male attachment member (20) which protrudes from the rear display device mounting means, the male attachment member having a head which is received in a slot provided in a female attachment (116 or 16).

Regarding claim 10 and 11, East et al also discloses that the quick release mechanism includes locking means (32) adapted to engage the head of the male attachment member; and an actuator extends from the locking for manual operation by user.

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1-4, 7-11 and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 5,901,200 to Krause.

Regarding claims 1-4, Krause discloses a support device comprising a mounting means (Fig. 2) the mounting means including a quick release mechanism (Fig. 3); the support being an arm having mounting means (B, C)) at its end remote from the quick release mechanism wherein the mounting means includes a pivot joint which allows the arm to move from side to side in a horizontal plane, and the mounting means is a collar or sleeve which fits over and around the support post

Regarding claims 7 and 17 and 18, Krause also discloses that the arm is in two parts (16, 17, 18) connected by a pivot joint (B, C)) which allows each arm part to move from side to side in a horizontal plane.

Regarding claim 8, East et al. also discloses that the mounting means is connected to a universal joint provided at one end of the support.

Regarding claim 9, East et al further discloses that the quick release mechanism comprises a male attachment member (24, 25) which protrudes from the rear display device mounting means, the male attachment member having a head which is received in a slot (26) provided in a female attachment (29, 30).

Regarding claim 10 and 11, Krause also discloses that the quick release mechanism includes locking means adapted to engage the head of the male attachment member; and an actuator (33) extends from the locking for manual operation by user.

Claims 1-4, 7-8 and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,471,363 to Howell et al.

Regarding claims 1-4, Howell et al. discloses an apparatus comprising a mounting means (Fig. 16, for example) the mounting means including a quick release mechanism (651, 655); the support being an arm having mounting means (94) at its end remote from the quick release mechanism wherein the mounting means includes a pivot joint (668, 54) which allows the arm to move from side to side in a horizontal plane, and the mounting means is a collar or sleeve which fits over and around the support post (646)

Regarding claims 7, 17 and 18, Hollow et al. also discloses that the arm is in two parts connected by a pivot joint (646, 54) which allows each arm part to move from side to side in a horizontal plane.

Regarding claim 8, Hollow et al. also discloses that the mounting means is connected to a universal joint (668, 646, 54) provided at one end of the support.

Allowable Subject Matter

10. Claims 12-15 are rejected, but would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5521957 to Hansen

5944896 to Landesman et al.

3240925 to Paschke et al.

4517632 to Roos

4733618 to Sarro et al.

5429336 to Ko

5379205 to Peng

The above patents disclose various types of stands with rotatable arms

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Le, whose telephone number is 703.305.8244. The Examiner can normally be reached on Monday through Thursday, 9:00-6:00 and alternating Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for official communications and (703) 872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this Application should be directed to the Group receptionist at 703.308.2168.

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November 8, 2002.



LESLIE A. BRAUGH
SUPERVISORY PATENT EXAMINER